

REMARKS

The Office Action mailed Claims 5 and 6 have been added. Claims 1-6 are pending in this application, claims 1 and 3 being the independent claims. Claims 1-4 have not been amended. Favorable reconsideration is respectfully requested.

THE FUNDAMENTAL MISUNDERSTANDING OF THE EXAMINER APPEARS TO STEM FROM A FAILURE TO REALIZE THAT THE WORD "ORIGINATE" IS A TERM OF ART IN THE CONTEXT OF "ORIGINATING A CALL FROM A TELEPHONE."

In other words, it is well-known to those of ordinary skill in the art what it means "to originate a call from a telephone."

Claims 1-4 were rejected under 35 U.S.C. 103 as unpatentable over U.S. Patent 6,278,887 to Son et al. ("Son") in view of U.S. Patent 6,332,074 to Spitaletta et al. ("Spitaletta"). As mentioned in connection with the previous Office Action, the patent number of the latter reference is misidentified in the Office Action, but the applicant presumes that the patent number supplied hereinabove is the intended one.

Claim 1 recites:

"checking whether a user of said telephone activates said SEND key to originate a call from said telephone; and

deactivating the power supplied to the display in response to said call being

originated from said telephone due to said activation of said SEND key.”

Son checks whether any key is activated for any purpose, but does not check “whether a user of said telephone activates said SEND key to originate a call from said telephone” as explicitly required by the language of present invention as recited in claim

1. Moreover, Son fails to disclose deactivation of the power supplied to the display “in response to said call being originated from said telephone due to said activation of said SEND key.” Son, instead, deactivates the power in the absence of activation of any key or upon acceptance of a call by the user. Nowhere does Son disclose or suggest deactivation of the power to the display of a telephone in response to initiating or originating a call from that telephone. In fact, failure of the Son reference to disclose power deactivation to a phone in response to that phone’s call origination suggests the non obviousness of this inventive aspect recited in applicant’s claim 1 as amended.

Item 2 of the Office Action suggests that Son teaches “checking whether a user of the telephone activates the answer key to originate a call from the telephone, in response to an incoming call (col. 7 lines 38-41, 49-53).”

The cited passages in Son, however, merely describe what happens when a user of a telephone answers a phone call. There is no discussion whatsoever in these cited passages of that user originating a phone call from that telephone. The Examiner apparently misunderstands that the word “originating” is a term of art in the context of

“originating a call from a telephone.”

Spitaletta discloses a phone having a SEND KEY, but likewise fails to disclose or suggest deactivating the telephone’s display power in response to call origination from that telephone. Spitaletta accordingly fails to make up for the deficiencies in Son. Claim 1 is therefore believed to be patentable over the cited references for at least these reasons.

In addition, the applicant notes that no motivation would have existed for the proposed Son/Spitaletta combination, nor does the Office Action even attempt to suggest what it deems to be motivation for the combination.

Claim 3 similarly, requires:

(a) “determining whether an originating party has used said telephone to request a call connection to a terminating party”; and

(b) “deactivating the power supplied to the display based on a determination in step (a) that the originating party has requested said call connection to the terminating party.”

Claim 3 is deemed to be patentable over the cited references for at least the same reasons.

The other rejected claims in this application are each dependent from independent claims 1 or 3 discussed above and are therefore likewise deemed to be

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patentable for at least the same reasons, but warrant consideration based on their individual merits.

Claims 5 and 6 have been added to more fully emphasize aspects of the invention and find support in FIG. 2 and accompanying parts of the specification.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

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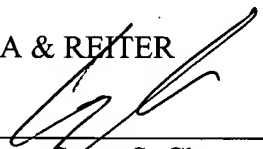
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In the event that any additional fee is required to continue the prosecution of this Application as requested, please charge such fee to Deposit Account No. 502-470.

If the Examiner has any questions regarding this Application, it is respectfully requested that the Applicants' attorney of record be contacted at the below-noted telephone number.

Respectfully submitted,

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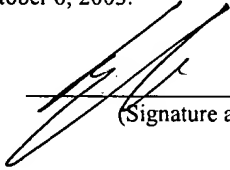
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